

1 RICHARD E. WINNIE [68048]  
County Counsel  
2 DIANE C. GRAYDON [164095]  
Deputy County Counsel  
3 Office of County Counsel, County of Alameda  
1221 Oak Street, Suite 450  
4 Oakland, California 94612  
Telephone: (510) 272-6700

5 Attorneys for Defendants  
6  
7  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 DEBORAH J. PIMENTEL,

12 Plaintiffs,

13 vs.

14 THOMAS J. ORLOFF, NANCY O'MALLEY, G.  
15 RICHARD KLEMMER, DAVID C. BUDDE, THE  
DISTRICT ATTORNEY'S OFFICE OF  
ALAMEDA COUNTY, THE COUNTY OF  
16 ALAMEDA, DOES 1-10,

Defendants.  
17

Case No.: C08-00249 MMC

DEFENDANTS' REQUEST FOR  
RELIEF FROM AUTOMATIC  
REFERRAL TO ALTERNATIVE  
DISPUTE RESOLUTION  
(28 U.S.C. §§ 651, 654)

18  
19 In response to Clerk's notice entitled "NOTICE REGARDING NON-COMPLINACE WITH  
20 COURT ORDER," Defendants THOMAS J. ORLOFF, NANCY O'MALLEY, G. RICHARD  
21 KLEMMER, DAVID C. BUDDE, THE DISTRICT ATTORNEY'S OFFICE OF ALAMEDA  
22 COUNTY, THE COUNTY OF ALAMEDA, ("COUNTY DEFENDANTS,") have considered and  
23 move for relief from automatic referral to the Alternative Dispute Resolution ("ADR") program.  
24 This motion is made pursuant to the right to withhold consent enumerated in ND LR 2-3(c) and  
25 28 U.S.C. §§ 651(b), 654. This motion is timely made, pursuant to ND ADR LR 4-2(c)(1), as  
26 COUNTY DEFENDANTS have not yet appeared in the action.

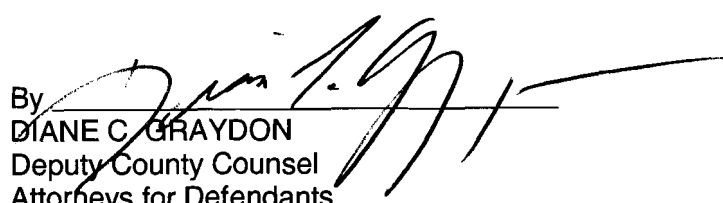
27 ///

28 ///

1 Opposition is based on COUNTY DEFENDANTS' belief that this is a "no liability" matter,  
2 which is inappropriate for ADR processes. COUNTY DEFENDANTS request continued case  
3 management by a United States District Judge.

4  
5 DATED: July 17, 2008

RICHARD E. WINNIE  
County Counsel in and for the County of  
Alameda, State of California

6  
7  
8 By   
9 DIANE C. GRAYDON  
10 Deputy County Counsel  
11 Attorneys for Defendants  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF SERVICE

Pimentel v. Thomas Orloff, et al.

Case No. C08-00249 MMC

I, Diseph Igoni, declare that:

I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

On July 17, 2008, I served the following document(s):

**DEFENDANTS' REQUEST FOR RELIEF FROM AUTOMATIC REFERRAL TO  
ALTERNATIVE DISPUTE RESOLUTION**

on the following parties:

Deborah J. Pimentel  
6644 Wooster Court  
Castro Valley, CA 94552

☒ BY MAIL: I caused true and correct copies of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) with postage thereon fully prepaid, and I further caused said envelope(s) to be placed in the United States mail, in the City of Oakland, California.

☐ BY FACSIMILE: I caused a copy (or copies) of such document(s) to be sent via facsimile transmission to the office(s) of the addressee(s).

☐ BY PERSONAL SERVICE: I caused true and correct copy (or copies) of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).

☐ BY FEDERAL EXPRESS: I caused true and correct copy (or copies) of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered to Federal Express for overnight courier service to the office(s) of the addressee(s).

☐ (By QIC) I caused true copy (or copies) of the above document(s) by placing said copy (or copies) in a QIC envelope and deposited same in the Alameda County Messenger Service at Oakland, California addressed to the office(s) of addressee(s).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Oakland, California on July 17, 2008.

  
\_\_\_\_\_  
DISEPH IGONI